

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NATIONAL LABOR RELATIONS BOARD,
 Petitioner(s),
 v.
 RED ROCK RESORTS, INC., et al.,
 Respondent(s).

Case No. 2:21-cv-01986-RFB-NJK

ORDER

Pending before the Court is a joint status report. Docket No. 36. The Court hereby **ORDERS** as follows:

- Petitioner must file any renewed request for relief by May 20, 2022.¹ Any response thereto must be filed by June 10, 2022. Any reply must be filed by June 20, 2022.
- To the extent Respondent seeks to dismiss this action, *see* Docket No. 36 at 5, it must file a proper motion supported by points and authorities by May 6, 2022. To the extent Respondent seeks to stay motion practice to enforce subpoena, *see id.*, it must file a proper motion to stay supported by points and authorities by May 6, 2022. Any such

¹ The Court issues this order simply to set a schedule. The Court expresses no opinion herein as to the merits of the matters raised in the joint status report. The Court notes a few issues that require further explanation, however. First, Petitioner does not explain why it intends to “re-file an action” as opposed to engaging in standard motion practice in this already-filed action. *See* Docket No. 36 at 1. The filing of any new action addressing the issues already included in this case must explain why that is an appropriate course. Second, Petitioner’s portion of the status report relies in part on ongoing proceedings before the ALJ. Docket No. 36 at 2. Any renewed request for relief must explain whether the matters at issue in this case continue to be addressed by the ALJ and, if so, whether the matters are ripe for judicial review. *Cf. Dagdagan v. City of Vallejo*, 682 F. Supp. 2d 1100, 1115 (E.D. Cal. 2010) (the filing of an interlocutory appeal divests a district court of jurisdiction over the issues subject to the appeal). Third, Petitioner’s portion of the status report indicates that it intends to seek relief with respect to additional subpoenas that were not at issue previously. Docket No. 36 at 3. Any request for relief as to those subpoenas must explain why they are properly before the Court since they were not at issue previously. *Cf.* Fed. R. Civ. P. 15.

1 motion to dismiss and/or motion to stay will be briefed pursuant to the default schedule
2 in the local rules. Local Rule 7-2.

3 IT IS SO ORDERED.

4 Dated: April 22, 2022

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8 Nancy J. Koppe
9 United States Magistrate Judge
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